

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81494

This is to certify that: CITY OF HAILEY
115 S MAIN ST #H
HAILEY, ID 83333
AND
HAILEY CEMETERY MAINTENANCE DISTRICT
PO BOX 4515
HAILEY, ID 83333

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-22019	WR/DECREED	3/29/1961	9.370 cfs	1701.0 af	N/A	486.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-22019	YES	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-22019	37-23031	0.360 cfs	65.8 af	N/A	18.8	37-22019	9.010 cfs	1635.2 af	N/A	467.2
COMBINED TOTALS		0.360 cfs	65.8 af	N/A	18.8		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 30th day of May, 2017.


Southern Region Manager

SUPPORT DATA

IN FILE # 37-22019

Transfer No. 81494

WATER RIGHT NO. 37-22019
As Modified by Transfer No. 81494

In accordance with the approval of Transfer No. 81494, Water Right No. 37-22019 is now described as follows:

Right Holder: CITY OF HAILEY
115 S MAIN ST #H
HAILEY, ID 83333
AND
HAILEY CEMETERY MAINTENANCE DISTRICT
PO BOX 4515
HAILEY, ID 83333

Priority Date: 3/29/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	9.010 cfs	1635.2 af
			9.010 cfs	1635.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 10 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	10											1.0	8.5			30.0		39.5
02N	18E	14										14.0	26.8						40.8
02N	18E	15		38.7	34.9	20.7	28.0			4.0					37.7	11.0		22.9	197.9
02N	18E	22	1.0																1.0
02N	18E	23					32.4	32.3	4.0	35.3	11.0					34.0	23.0	16.0	188.0

POU Total Acres: 467.2

CONDITIONS OF APPROVAL

1. Use of this right is combined with water from Hiawatha Canal.
2. This right is licensed right 37-2659.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 81494

WATER RIGHT NO. 37-23031

As Modified by Transfer No. 81494

In accordance with the approval of Transfer No. 81494, Water Right No. 37-23031 is now described as follows:

Right Holder: CITY OF HAILEY
115 S MAIN ST #H
HAILEY, ID 83333
AND
HAILEY CEMETERY MAINTENANCE DISTRICT
PO BOX 4515
HAILEY, ID 83333

Priority Date: 3/29/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.360 cfs	65.8 af
			0.360 cfs	65.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 10 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	10											3.7	10.6	4.5				18.8

POU Total Acres: 18.8

CONDITIONS OF APPROVAL

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Use of this right is combined with water from Hiawatha Canal.

Transfer No. 81494

WATER RIGHT NO. 37-23031

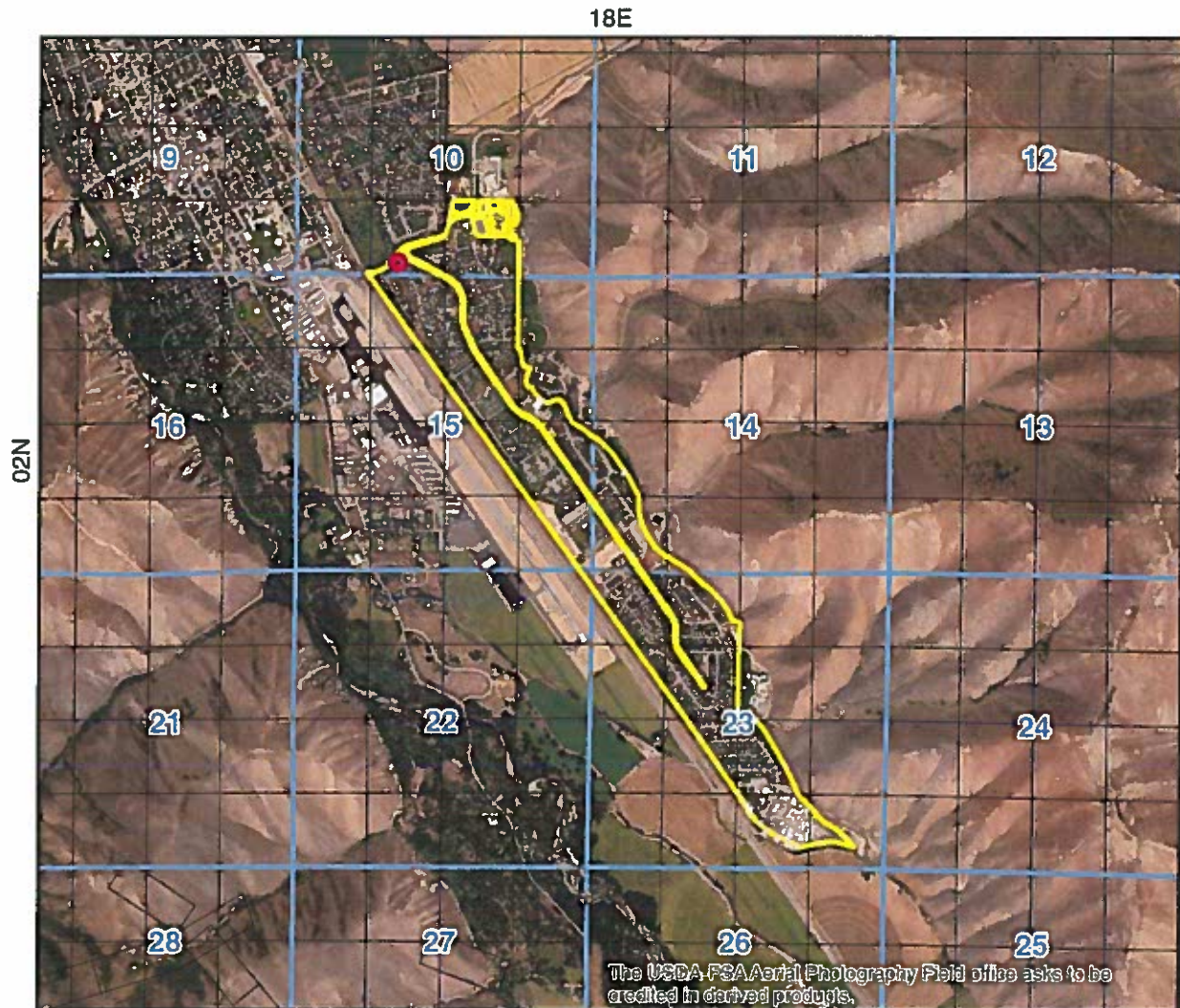
As Modified by Transfer No. 81494

CONDITIONS OF APPROVAL

4. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
5. This right does not grant any right-of-way or easement across the land of another.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 81494
37-22019

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.4 0.8 1.6 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81494
37-23031

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 1, 2017

CITY OF HAILEY
115 S MAIN ST H
HAILEY ID 83333

HAILEY CEMETERY MAINTENANCE DISTRICT
PO BOX 4515
HAILEY ID 83333

Re: Transfer No: 81494
Water Right No(s): 37-22019

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a large initial "C" and a stylized "S".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC
C/O CHARLES G BROCKWAY
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352-5425

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 81494
Water Right No(s): 37-22019

CITY OF HAILEY
115 S MAIN ST H
HAILEY ID 83333

HAILEY CEMETERY MAINTENANCE DISTRICT
PO BOX 4515
HAILEY ID 83333

BROCKWAY ENGINEERING PLLC
C/O CHARLES G BROCKWAY
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352-5425

via e-mail

A handwritten signature in cursive script, reading "Denise Maline", written over a horizontal line.

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho

Department of Water Resources

Transfer of Water Right(s)

RECOMMENDATION FORM

RECEIVED

MAY 02 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 81494

Water Right No(s): 37-22019

Transfer Applicant's Name: CITY OF HAILEY
115 S MAIN ST #H
HAILEY ID 83333

HAILEY CEMETARY DISTRICT
PO BOX 4515
HAILEY ID 83333

Water master's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons:
- d) Additional comments:

Dated this 2nd day of May, 2017, 2017

Water District No. 37

Kiran Jha

Water master's Signature

Kevin Lakey

Printed Name

RECEIVED

AFFIDAVIT of PUBLICATION

APR 17 2017

COPY OF NOTICE

State of Idaho
County of BlaineDEPT OF WATER RESOURCES
SOUTHERN REGIONPam Morris

being the first day
sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues
in said newspaper proper and not in a supplement; that the date of the first
publication of said advertisement was on the 5th day of

April, 20 17, and the date of the last publication was
on the 12th day of April, 20 17

Subscribed and sworn to before me this 12 day of

April, 20 17.

Connie N. Johnson
NOTARY PUBLIC

RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340

COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 136

Number of Insertions 2

Lines tabular at 9.0 cents/pica

136 Lines straight at \$125.12 8.0 cents/pica

136 Subsequent lines at \$109.48 7.0 cents/pica

TOTAL COST \$234.60

Legal Notice

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

The following application(s) have been
filed to amend Permit to Appropriate
Water:

37-22436

ANIMAL SHELTER OF WOOD RIVER
VALLEY

PO BOX 1496

HAILEY, ID 83333

Point of Diversion NWNE S17 T02N

R18E BLAINE County Source

GROUND WATER Tributary

Point of Diversion NWNE S17 T02N

R18E BLAINE County Source

GROUND WATER Tributary

Use: COMMERCIAL 01/01 to 12/31

0.64 CFS 68.4 AF

Total Diversion: 0.64 CFS

Date Filed: 2/27/2017

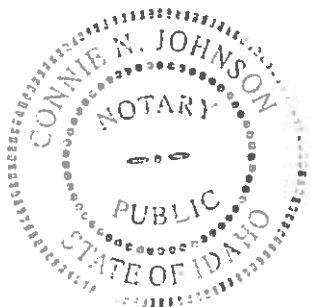
Place Of Use: COMMERCIAL

T02N R18E S17 NWNE SWNE

Application for Amendment of permit
seeks to change the location of one of
two authorized points of diversion for an
existing permit and to change the nature
of use from municipal to commercial
use for use at a proposed animal shelter
facility. Proposed points of diversion and
place of use are located approximately
0.8 to 0.9 miles west and 0.5 to 0.8 miles
south of the intersection of Hwy 75 and
Bullion St in Hailey.

over →

✓ OK DM 4-24-2017



✓ The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-23030

ANIMAL SHELTER OF WOOD RIVER VALLEY

PO BOX 1496

HAILEY, ID 83333

Point of Diversion SWNE S17 T02N

R18E BLAINE County Source

GROUND WATER Tributary

Point of Diversion SWNE S17 T02N

R18E BLAINE County Source

GROUND WATER Tributary

Point of Diversion SWNE S17 T02N

R18E BLAINE County Source

GROUND WATER Tributary

Point of Diversion SWNE S17 T02N

R18E BLAINE County Source

GROUND WATER Tributary

Use: COOLING 01/01 to 12/31 0.72

CFS

Use: HEATING 01/01 to 12/31 0.72

CFS

Total Diversion: 0.72 CFS

Date Filed: 2/27/2017

Place Of Use: HEATING, COOLING

T02N R18E S17 NWNE SWNE

Application proposes to appropriate up

to 0.72 cfs of ground water for heating and cooling purposes associated with a new animal shelter facility. An existing well and three new wells are proposed to be drilled with the diverted water used and reinjected at the site. Proposed points of diversion and place of use are located approximately 0.8 to 0.9 miles west and 0.5 to 0.8 miles south of the intersection of Hwy 75 and Bullion St in Hailey.

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 81494**

✓ CITY OF HAILEY, 115 S MAIN ST #H, HAILEY, ID 83333; HAILEY CEMETERY MAINTENANCE DISTRICT, PO BOX 4515, HAILEY, ID 83333; has filed Application No. 81494 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22019. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to split ground water irrigation right 37-22019 (9.37 cfs) and modify its place of use. The right is currently appurtenant to 486.0 acres located approximately 0.7 to 2.3 miles east and 0.2 to 2.4 miles south of the intersection of Main and Bullion Streets in Hailey. The transfer proposes to split off 18.8 acres (0.36 cfs) which will irrigate land located approximately 0.5 to 0.7 miles east and 0.1 to 0.5 miles south of the center of Hailey (Hailey Cemetery). The current point of diversion for right 37-22019 will serve each right and ownership of both rights will remain with the City of Hailey and Hailey Cemetery Maintenance District.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/Water-Management/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before April 24, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH
IDAHO MOUNTAIN EXPRESS
APR. 5 & 12, 2017**

✓ OK AM 4-24-2017